

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

MICHAEL L. KATHREIN *and* )  
VICTORIA KATHREIN, on behalf )  
of herself and all others )  
similarly situated, )

Plaintiffs, )

**08 C 0083**

v. )

CITY OF EVANSTON, ILLINOIS, )  
LORRAINE H. MORTON, Mayor, )  
CHERYL WOLLIN, )  
1st Ward Alderman, City Council, )  
LIONEL JEAN-BAPTISTE, )  
2nd Ward Alderman, City Council, )  
MELISSA A. WYNNE, )  
3rd Ward Alderman, City Council, )  
STEVEN J. BERNSTEIN, )  
4th Ward Alderman, City Council, )  
DELORES A. HOLMES, )  
5th Ward Alderman, City Council, )  
EDMUND B. MORAN, Jr., )  
6th Ward Alderman, City Council, )  
ELIZABETH B. TISDAHL, )  
7th Ward Alderman, City Council, )  
ANN RAINEY, )  
8th Ward Alderman, City Council, )  
ANJANA HANSEN, )  
9th Ward Alderman, City Council, )

Defendants. )

**JUDGE RONALD A. GUZMAN  
MAGISTRATE JUDGE GERALDINE  
SOAT BROWN**

**MOTION FOR LEAVE TO FILE  
ORIGINAL DECLARATION IN SUPPORT OF  
MOTION FOR CLASS CERTIFICATION**

COMES VICTORIA KATHREIN, by her attorneys, COLLINS BARGIONE &

VUCKOVICH, and for her Motion for Leave to File Her Original Declaration in Support of Plaintiff's Motion for Class Certification, states as follows:

1. Plaintiff Victoria Kathrein filed a Motion for Class Certification on or about April 14, 2008.

2. The Motion was filed electronically and included a Memorandum in Support. On April 23, 2008, Victoria Kathrein sought leave to file an Amended and Substituted Memorandum, which include the declaration of Victoria Kathrein as an exhibit. The exhibit or declaration was electronically signed by Kathrein. Ms. Kathrein signed the declaration on April 1<sup>st</sup>, 2008 but the signed document was not filed with the Clerk.

3. The Court and Defendants raised the issue of having an original signature of Victoria Kathrein on the declaration filed in Support of her Motion for Class Certification. As such, Victoria Kathrein seeks leave to file the original declaration with the court in Support of her Motion for Class Certification.

4. A copy of the Executed Declaration is attached hereto as Exhibit "1". It is precisely the same as the document attached to Kathrein's Amended and Substituted Memorandum and Defendants will not be surprised or prejudiced. The declaration was signed on April 1<sup>st</sup>, 2008 but not filed. Granting Kathrein leave to file the executed declaration, instanter, will not change the substance of the issue: whether class certification should be granted.

5. Victoria Kathrein respectfully requests that this Court grant her motion and grant her leave to file the original of the affidavit attached hereto as Exhibit "1".

/s/Adrian M. Vuckovich

---

ATTORNEY FOR VICTORIA  
KATHREIN

ADRIAN VUCKOVICH  
COLLINS BARGIONE & VUCKOVICH  
ONE NORTH LA SALLE STREET  
SUITE 300  
CHICAGO, ILLINOIS 60602  
312-372-7813